

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	10/823,829	Confirmation No.	5642
Applicant	:	Evans et al.		
Filed	:	September 28, 2009		
Art Unit	:	3714		
Examiner	:	Aileen Chyn		
Docket No.	:	CHORUS-P007-01		
Customer No.	:	27268		

THIRD DECLARATION OF ALAN L. COLQUITT

I, Alan L. Colquitt, Ph.D. of 7805 Timber Run Lane, Indianapolis, IN 46256 declare as follows:

1. I have over 20 years of experience implementing testing programs as an internal consultant in The Procter & Gamble Company (1985-1990) and Eli Lilly and Company (1990-present). I have a Ph.D. in Industrial and Organizational Psychology from Wayne State University in Detroit, MI. I have specialized training in the areas of test development, test validation, and psychometrics. I have considerable experience developing tests and testing programs for a variety of purposes including: Pre-employment screening; employee and leadership development; identification, selection and development of leaders and high potential employees; promotion; and reallocation. See attached resume for additional background (Exhibit A).

2. I have studied the disclosure of the above-identified patent application ("Evans") and the disclosures of U.S. Patent Publication No. 2002/0045154Q1 to Wood (The "Wood" application) and U.S. Patent Nos 7,148,969 and 6,341,267 to Bonstetter and Taub (the "Bonstetter Patent" and "Taub Patent" respectively).

3. I have studied the Office Action issued by the patent examiner on May 28, 2009 in application serial number 10/823,829; and have the following comments on the assertions in the Office Action.

4. With respect to claim 1, the examiner asserts that Wood's system "can also be used to find people with particular skills or competencies" (Wood, p.14, paragraph [337]). However, Wood is completely silent on how such a use would be implemented. Wood suggests that "additional personality tests or skills test, or competency models/tests can also be used" (Wood, p.14 paragraph [337]). However, Wood does not teach or enable one of skill in the art to employ such a system to obtain competency measures or ratings.

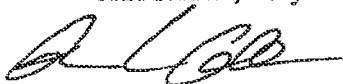
5. With respect to claim 1, one of skill in the art would say that Wood does not teach providing individual capability tests that are used to rate a plurality of competencies. Wood suggests that a competency model/test can also be used instead of the Keirsey Temperament Sorter (Wood, p.14 paragraph [337]). There is no disclosure in Wood of a capability test that outputs competency information. Woods system only gets competency information out by including a specific competency test as an input. Wood's system assesses competencies only by substituting a competency test/model for the Keirsey Temperament Sorter. Using a single competency test to measure competencies is different than using a plurality of individual capability tests to measure a plurality of competencies. Wood makes a non-enabled statement that input of a competency test can output competency information. The claimed method is more transformative, pulling competency information from many individual capability tests.

6 With respect to claim 1, Wood fails to discuss rating a plurality of competencies. Wood states that it is possible to use his system to "find people with particular skills and competencies" (Wood, p.14 paragraph [337]), but Wood fails to teach or discuss how competencies would be measured, assessed, and rated as a part of his process. Identifying people with competencies and rating competencies are different operations

7 With respect to claim 1, Wood fails to discuss providing a comprehensive report or output of any kind. Paragraph 364 of Wood discusses an administrator viewing the results via "a series of reports". One of skill in the art would interpret this to mean the administrator is reviewing the standard reports that are available for each of the tests included in Wood's system. In this case, the administrator is left to consider these multiple reports in a subjective and undisclosed way in designing advice for the group. Wood fails to teach that a comprehensive report is generated. Furthermore, Wood discloses providing employment matching reports and educational literature. This is not a comprehensive report that rates a plurality of competencies. The presently disclosed system creates a comprehensive and integrated report, with competency ratings derived from the results of the individual capability tests.

8 With respect to claim 2, Bonstetter fails to teach cross-referencing to multiple tests. Furthermore, the cited figures of 7E, 8E, 9E, and 10E are not tests. They are surveys asking people what qualities are important for a certain job. They don't measure the qualities themselves.

And further, I sayeth not.



Alan L. Colquitt

Date: 9/25/09

EXHIBIT A

Alan L. Colquitt, Ph.D.

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Indianapolis, Indiana 46256
acolquitt@comcast.net
(317) 849-1258

EDUCATION AND TRAINING

Doctor of Philosophy (December, 1986)

Wayne State University
Detroit, Michigan

Industrial/Organizational Psychology

Licensed Psychologist (1994 to present)

State of Indiana. License #20040761

Bachelor of Arts (May, 1982)

Indiana University
Bloomington, Indiana
Psychology

Advanced Organizational

Development/Human Resources

Development (OD/HRD) program

(Spring, 1995). Columbia University,

PROFESSIONAL EXPERIENCE

Eli Lilly and Company

Workforce Research

Manager (January 1997 to present)

Key Areas of responsibility:

- Develop, implement a variety of survey processes focused on key stakeholders (employees, collaborators)
- Develop, implement, and monitor testing and assessment systems
- Conduct special research on issues of current interest (e.g. culture, diversity issues, retention, impact of key interventions, diagnose specific issues)
- Develop, implement, and report key workforce and people-related metrics
- Leverage results and learnings from all research, monitor trends affecting workforce
- Consult with line, HR management in the above subject areas
- Manage small staff (1 person) of technical experts

Eli Lilly and Company

Organization Effectiveness

Manager (June 1994 to January 1997)

Key areas of responsibility:

- Organizational consulting
- Organization design
- Organization change management
- Strategy development

- Team development
- Workforce research, strategic studies
- Survey development and design
- Performance management system design
- Testing and assessment program development

Eli Lilly and Company

Career Development and Psychological Services

Staff Psychologist (September 1990 to June 1994)

Key areas of responsibility:

- Assessment and psychometrics
- Design and administer career assessment and development programs
- Testing and assessment program development
- Workforce research, strategic studies

The Procter & Gamble Company

Personnel Research

Manager (December 1985 to September 1990)

Key areas of responsibility:

- Testing and assessment program development
- Test development and validation
- Training evaluation
- Strategic studies and research

AREAS OF TECHNICAL COMPETENCE/EXPERTISE

- | | |
|---|------------------------------------|
| ▪ Assessment and selection systems
(tests, simulations, assessment centers,
test validation, psychometrics) | ▪ Research design |
| ▪ Survey design, development | ▪ Statistical analysis |
| ▪ Program evaluation | ▪ Career and employee development |
| ▪ Performance management/Performance
appraisal | ▪ Performance measurement, metrics |
| ▪ Job analysis, needs analysis | ▪ Organization diagnosis |
| | ▪ Organization change management |
| | ▪ Organization design |
| | ▪ Strategy development |

PUBLICATIONS AND PRESENTATIONS

Colquitt, A.L. (2008). Total Rewards at Eli Lilly and Company: Applying Total Rewards Optimization. Paper presented as a part of symposium: "Optimizing HR: Tracking the return on investments in people." Annual meeting of the Society of Industrial and Organizational Psychologists

- Colquitt, A.L., Fink A., Futrell D.A., and Johnson S. (2008). More survey ponderables... Questions and Answers on Effective Employee Surveys. Annual meeting of the IO/OB conference, Indianapolis, IN
- Colquitt, A.L., & Futrell D. A. (2007). Questions and answers about survey research: Lessons learned from survey programs at Eli Lilly and Company. Annual meeting of the IO/OB conference, Indianapolis, IN
- Colquitt, A.L., Mastrangelo, P., and Weiner, S. (2006). Staying on your high horse: Ethical challenges in employee surveys. Annual meeting of the Society of Industrial and Organizational Psychologists
- Colquitt, A.L. & Macey W. H. (2005). Surveys throughout the employment lifecycle: What matters when. Annual meeting of the Society of Industrial and Organizational Psychologists
- Colquitt, A.L. & Futrell, D.F. (2004). Use of a biodata selection instrument to improve retention. Annual meeting of the Society of Industrial and Organizational Psychologists
- Colquitt, A.L. & Lange C. (2004). Gender diversity at Eli Lilly and Company: Follow-up on the "Leaders in a Global Economy" study. Annual meeting of the Society of Industrial and Organizational Psychologists
- Colquitt, A.L. (2003). Working inside on the balanced scorecard: Lessons learned about strategy, tactics, and culture. Annual meeting of the Society of Industrial and Organizational Psychologists
- Colquitt, A.L. (2002). Getting systematic about retention in one company: Strategy, Tactics, and Learnings. Annual meeting of the Society of Industrial and Organizational Psychologists
- Colquitt, A.L. (2001). After the Rating Stops: Effecting Change with Multi-Source Feedback. Annual meeting of the Society of Industrial and Organizational Psychologists
- Colquitt, A.L. (2000). Predictors of Turnover for Sales Representatives: The "Fruits" of an Exit Survey Process. Annual meeting of the Society of Industrial and Organizational Psychologists
- Colquitt, A.L. & Futrell D.A. (2000). Automated Technologies for Biodata Prediction Systems. Annual meeting of the Society of Industrial and Organizational Psychologists
- Becker, T & Colquitt A. (1992). Potential vs. Actual faking of a biodata form: An analysis along several dimensions of item types. *Personnel Psychology*, 45, 389-406

PROFESSIONAL AFFILIATIONS

Society for Industrial and Organizational Psychology	American Psychological Association
The Mayflower Group (survey consortium)	Academy of Management
	Human Resource Planning Society

HONORS AND DISTINCTIONS

1997-2000	The Mayflower Group board of governors, Chair in 2000	1978	Hoosier Scholar
1982	Phi Beta Kappa	1978	National Merit Scholar

REFERENCES

Available upon request